

ELECTORS AND THE ELECTORAL COLLEGE

I. ELECTORS

Presidential electors are the 55 individuals from California who are entitled to vote in the Electoral College. The number of electors is based on each state's total representation in Congress; e.g., California's two United States Senators and 53 members of the House. Each qualified political party chooses its electors in a manner provided by statute.

- A. Democratic Party: Each congressional and U.S. Senatorial nominee designates one elector and files with the Secretary of State by October 1, 2004. If there is no Democratic nominee in any congressional district or no Democratic U.S. Senate candidate exists or has run in the past two elections, the state Democratic chair shall designate electors. §7100
- B. Republican Party: Republican nominees for Governor, Lt. Governor, Treasurer, Controller, Attorney General, Secretary of State, U.S. Senate at the last two elections, Assembly Republican leader, Senate Republican leader, all elected officers of the Republican State Central Committee, national committeemen/women, President of Republican County Central Committee Chairmen's Association, and chair or President of each Republican volunteer organization officially recognized by the Republican State Central Committee (RSCC) shall be electors. U.S. Senators, Representatives in Congress and persons holding office of trust or profit of the U.S. may not be electors. Any additional vacancies shall be filled by appointment of the chair of Republican State Central Committee according to Republican State Central Committee by-laws. Republican State Central Committee Chair must file the list with the Secretary of State by October 1, 2004. §7300
- C. American Independent Party: The state convention nominates and state chair certifies to the Secretary of State. §7578
- D. Libertarian Party: See Peace and Freedom, below
- E. Peace and Freedom Party: As the last qualified/codified party, Peace and Freedom Party statutes also govern later-qualified parties until such time as they codify their own rules. The state convention nominates electors, of whom 50% shall be women and 50% shall be men. The party chair certifies the list to the Secretary of State. §7843
- F. Green Party: See Peace and Freedom, above
- G. Natural Law Party: See Peace and Freedom, above

The lists of electors must be filed with the Secretary of State by October 1, 2004. Per §6901, the Secretary of State then notifies each elector of his or her nomination.

At the conclusion of the official canvass, the Secretary of State certifies the electors to the Governor and by the first Monday in December issues certificates of election to the electors, along with a notice of the time and place of the meeting of the Electoral College and a statement that they are entitled to per diem allowance and mileage, as specified.

§15505

II. THE ELECTORAL COLLEGE

The electors pledged to the presidential slate that wins the popular vote in California in November convene at the State Capitol at 2:00 p.m. on the first Monday after the second Wednesday in December.

U.S. Const., Am. 12; Elec. C. §§6904, 6906–6908

The Governor convenes the Electoral College. The electors cast separate ballots for President and Vice-President; they then sign, certify, seal, and deliver the results of each ballot to the Governor, who transmits the vote results to the President of the U.S. Senate.

§§6907, 6908

Electors cannot vote for a Vice President who lives in the same state as the President.

California's electors are compensated at the rate of \$10 per diem and \$0.05/mile for travel from their domicile to and from Sacramento.

§6909

III. CONGRESSIONAL ROLE

On the first Monday in January, the President of the Senate, in a joint session of the U.S. Senate and the House of Representatives, opens and reads the ballots from the 50 states and the District of Columbia. They appoint tellers who identify and count the results, announcing states in alphabetical order. The candidate for President who receives the majority of the 538 votes of the Electoral College is declared elected President, with similar procedure for election of Vice President. If no candidate receives the simple majority vote of the Electoral College, the decision moves to the newly-constituted House for the President and the U.S. Senate for the Vice President. Provisions on how these election in the House and Senate take place are in the U.S. Constitution in Article II.